

SUMMARY STATEMENT

H-D Transport v. Pogue, Docket No. 42921

In an appeal from Blaine County, the Supreme Court affirmed the district court's grant of summary judgment against Vint Lee Hughes and the partnership H-D Transport, in favor of Michael D. Pogue and Lawson & Laski, PLLC, in a legal malpractice suit. The Supreme Court reversed the district court's denial of attorney fees to Pogue under Idaho Code section 12-120(3). The Supreme Court concluded that the district court correctly applied the standard set in *Berry v. McFarland*, 152 Idaho 5, 278 P.3d 407 (2012), to determine the existence of an attorney-client relationship, that Hughes and H-D Transport could not have reasonably believed that an attorney-client relationship existed with Pogue; and, because the gravamen of the underlying action was a commercial transaction, Pogue was entitled to attorney fees under Idaho Code section 12-120(3) as the prevailing party below.